

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL**

Writ Petition No. 176 of 2002 (S/B)

1. Sri Pratap Singh Mehta
R/o Village Sain Nathi
P.O. Sain Nathi, Tehsil Munsiri
District Pithoragarh.
2. Sri Khima Nand Joshi
S/o Sri Moti Ram
R/o Village Muryani
P.O. Champawat, Tehsil & District Champawat.
3. Sri Khila Nand Bhatt
S/o Sri Tika Ram
R/o Village Nilauti, P.O. Dhunaghat
Tehsil & District Champawat Petitioners

Versus

1. State of Uttaranchal through
Secretary, Department of Rural Engineering Services
Civil Secretariat, Dehradun.
2. Director-cum-Chief Engineer, Rural Engineering
Services, Uttaranchal, Dehradun.
3. Executive Engineer, Rural Engineering Services
Pithoragarh.
4. Superintending Engineer, Rural Engineering
Services, Nainital Circle, Nainital.
5. State of Uttar Pradesh through Secretary
Rural Engineering Services, Secretariat, Lucknow
6. Director-cum-Chief Engineer, Rural Engineering
Services, U.P. Jawahar Bhawan, Lucknow.
.....Respondents.

Shri M.C. Pandey, learned counsel for the petitioners.

Shri N.P. Sah, Learned standing counsel for respondents. No. 1 to 4.

Smt. Beena Pande, learned standing counsel for respondents No. 5 and 6.

Hon'ble Prafulla C. Pant, J

Learned counsel for the parties are present.

2. The petitioner, who are working as
Chowkidars/Workers on daily wages with the respondent
department, have sought their regularization in service.

3. In view of the principle of law laid down in ***Secretary State of Karnataka Vs. Uma Devi, reported in (2006) 4 Supreme Court Cases, Pg. 01***, wherein it has been held that the workers on daily wages or the persons who get employed without undergoing regular selection process, should not be directed to be absorbed or regularised against the constitutional scheme of public employment, this Court is not inclined to issue direction to regularize services of the petitioners, as such, the petition is liable to be dismissed.

4. The writ petition is dismissed with the observation that if the petitioners case is covered for regularization under any rules, they may make representation to the concerned authority. Interim order dated 23.03.2002, is hereby vacated. (All pending applications also stand disposed of).

Dt. 06.12.2006
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(Prafulla C. Pant, J.)